



US Army Corps
of Engineers
St Paul District

Public Notice

**APPLICANT: Shakopee
Mdewakanton Sioux
Community**

ISSUED: 17 September 2003

EXPIRES: 17 October 2003

REFER TO: 2003-07863-JJY

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO PLACE FILL IN WETLANDS ADJACENT TO TRIBUTARIES TO THE MINNESOTA RIVER AS PART OF THE LONE PINE GOLF COURSE REDEVELOPMENT.

2. SPECIFIC INFORMATION.

APPLICANT: Mr. William Rudnicki
Tribal Administrator
Shakopee Mdewakanton Sioux Community
2330 Sioux Trail NW
Prior Lake, MN 55372
(952) 496-6145

AGENT: Mr. Stanley Ellison
Land Manager
Shakopee Mdewakanton Sioux Community
2330 Sioux Trail NW
Prior Lake, MN 55372
(952) 496-6158

PROJECT LOCATION: The project site is on the existing Lone Pine Golf Course, in the SW 1/4 SW 1/4 Section 28, the NE 1/4 Section 32, and the NW 1/4 Section 33, T. 115 N., R. 22 W., Scott County, Minnesota. Approximate UTM coordinates for the site are Zone 15, North 4953000, East 462000. The eastern portion of the site is Trust land held in trust by the United States for the Shakopee Mdewakanton Sioux Community (SMSC). The western portion of the site is Fee land owned by the SMSC but not held in trust by the United States. The golf course is in the southwest corner of the SMSC.

DESCRIPTION OF PROJECT: This proposal involves 6.8 acres of wetland fill as part of the Lone Pine Golf Course Redevelopment. Although the redevelopment is intended to provide a better, more challenging golf course, the design is intended to reduce the adverse water quality impacts and other environmental impacts of the existing course and to improve the quality of on-site wetland water hazards.

SUBJECT: Notice of Application for Permit to Discharge Fill

The SMSC proposes to fill, or partially fill, several existing water hazards, and to replace those water hazards in other locations on the redeveloped course. The water hazards are modified wetlands. The existing hazards are generally very poor quality as a surface water resource. They were excavated with steep side slopes that have substantial erosion and little or no emergent plant growth.

On the course, 4.46 acres of new water hazards designed to provide more wetland value would be created. Off the site, the applicant would provide 6.8 acres of new wetland, including 1.45 acres from an existing wetland bank located in Belle Plaine Township, Scott County, Minnesota, and 5.35 acres from a wetland restoration located less than 1 mile east of the golf course. The 6.8 acres of existing water hazard wetlands would in effect be replaced by 11.26 acres of new wetlands and water hazards of greater value.

The golf course redevelopment would also include measures to eliminate approximately 30 acres of asphalt parking lot and to recycle surface water used for irrigation of the fairways.

QUANTITY, TYPE, AND AREA OF FILL: The attached tables and maps provide more detail on the proposed fill. As indicated above, a total of 6.8 acres of wetlands would be filled, all in the excavated water hazard wetlands. Of this total, 3.43 acres is in wetlands on Fee lands, and 3.37 acres is in wetlands on Trust lands. On the Fee lands, the impacts include 0.91 acre of Type 2 wet meadow area, 0.3 acre of Type 3 shallow marsh, 0.34 acre of Type 4 deep marsh, and 1.88 acres of open-water wetland. On the Trust lands, the impacts include 0.65 acre of Type 3 shallow marsh and 2.72 acres of Type 4/5 deep marsh and open-water wetland.

VEGETATION IN AFFECTED AREA: The affected wetlands are primarily disturbed, open water, cattail, or reed canary grass wetlands. However, some of the affected wetland is also an atypical situation, because the affected area is saturated golf course turf. All of these wetlands shows signs of excavation, filling, invasive species, or other disturbance.

SOURCE OF FILL MATERIAL: Fill would include material moved on site, and perhaps some material purchased from commercial sources.

SURROUNDING LAND USE: Existing use on the project site includes golf course, commercial, vacant land, and parking lot. Adjacent and nearby land uses include recreational, commercial, agricultural, and residential. The Mystic Lake Casino is east of the project site. Much of the western half of the project either borders on or is very near non-SMSC land.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED A THE PROJECT SITE: Construction equipment would use petroleum products for fuel and lubrication, although the chance of a spill or substantial contamination is small.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Parts of the proposed action, including

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removal of parking lot, recycling irrigation water, wetland creation, and modification of water hazards are intended to bring about water quality improvements. Other erosion control measures, such as silt fences or hay bales, and seeding of disturbed surfaces would also be used to protect water quality during construction.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be sent to the following address:

Regulatory Branch
Attention: 2003-07863-JJY
St. Paul District, Corps of Engineers
190 Fifth Street East
Saint Paul, MN 55101-1638

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Joseph Yanta at the St. Paul office of the Corps, telephone number (651) 290-5362.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Scott County is within the known or historic range of the following Federally-listed threatened species:

<u>Species</u>	<u>Habitat</u>
Bald eagle	Wintering

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because fill or dredged material would be discharged into wetlands that are tributary to Minnesota River, a navigable water of the United States.

In addition to impacts on jurisdictional waters, as part of its public interest review, the Corps of Engineers must consider impacts within its scope of analysis on other resources, including isolated or nonjurisdictional wetland (as well as other natural, cultural, and

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economic resources) when making its final determination on this application.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: Because some of the wetlands are on land owned by the SMSC but not held in trust by the United States, the SMSC has also submitted a Wetland Replacement Plan to the City of Prior Lake for review under the provisions of the State Wetland Conservation Act.

6. SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. For most projects, the Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). However, the U.S. Environmental Protection Agency (EPA) is the Section 401 authority for projects on Tribal Lands.

The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the EPA. Copies of these documents have also been provided to the MPCA.

The St. Paul District considers this public notice valid notification of the application for Section 401 water quality certification. The EPA has indicated that it intends to review this project to determine the appropriate action under Section 401. Any comments relative to EPA actions may be sent to the following address:

Ms. Janice Cheng
Watersheds and NP Source Program
U.S. Environmental Protection Agency
77 West Jackson Boulevard, WW-16J
Chicago, Illinois 60604-3590

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if any cultural resources may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted, and no listed properties (known to be eligible for inclusion, or included in the Register) are in the project area.

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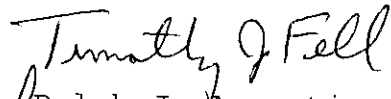
8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

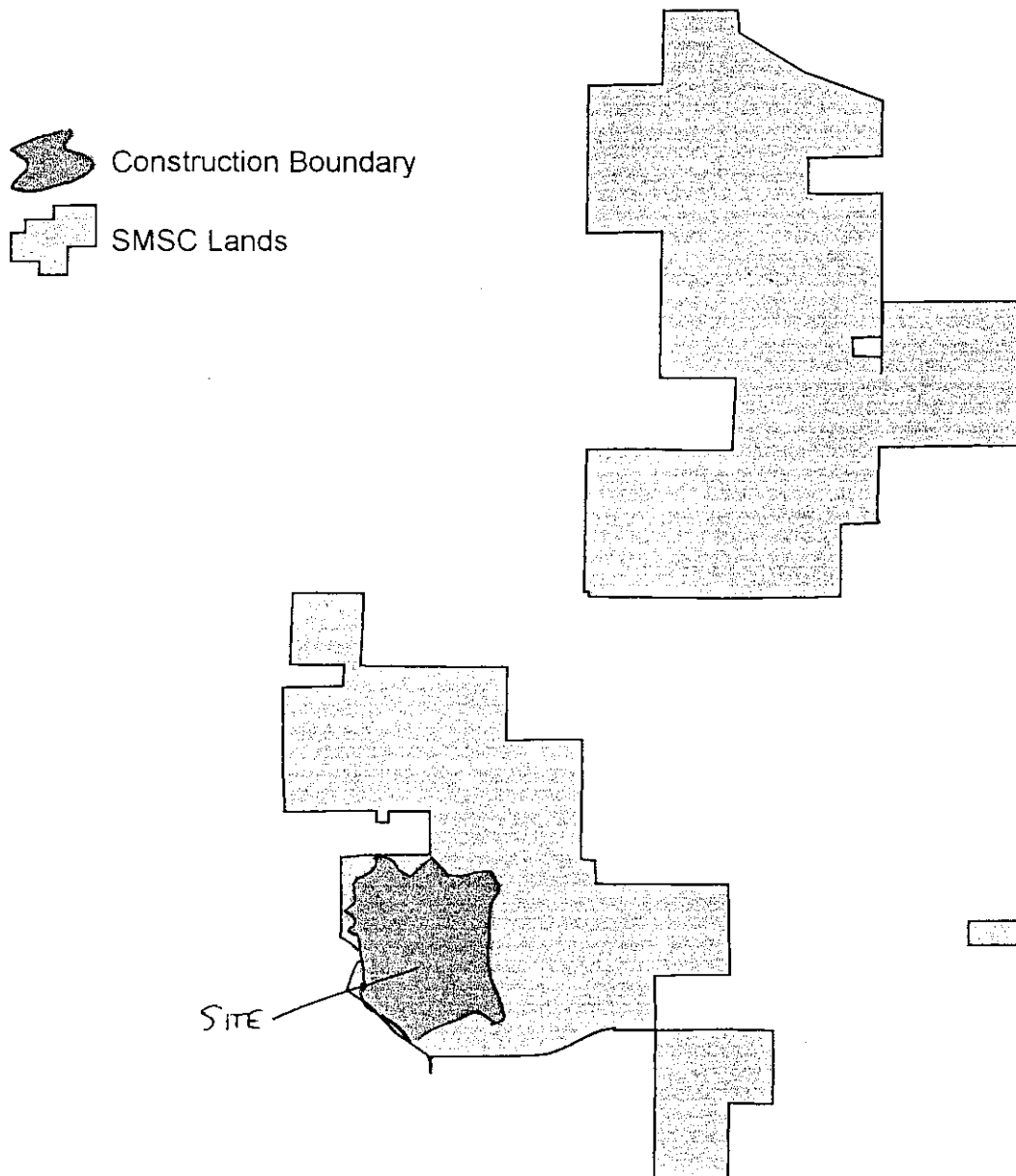
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or an environmental impact statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


for Ralph J. Augustin
Chief, Metro Permit Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

Figure 1: Golf Course Construction Boundary Within SMSC Lands



8,000 4,000 0 8,000 Feet

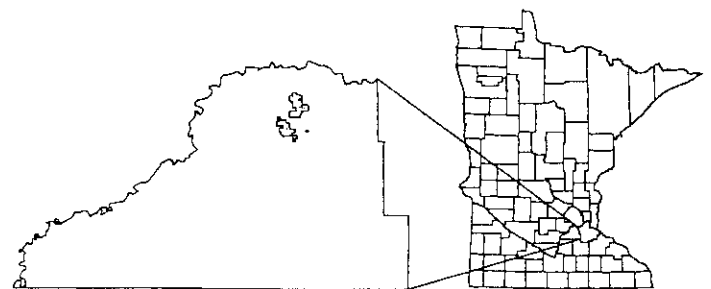
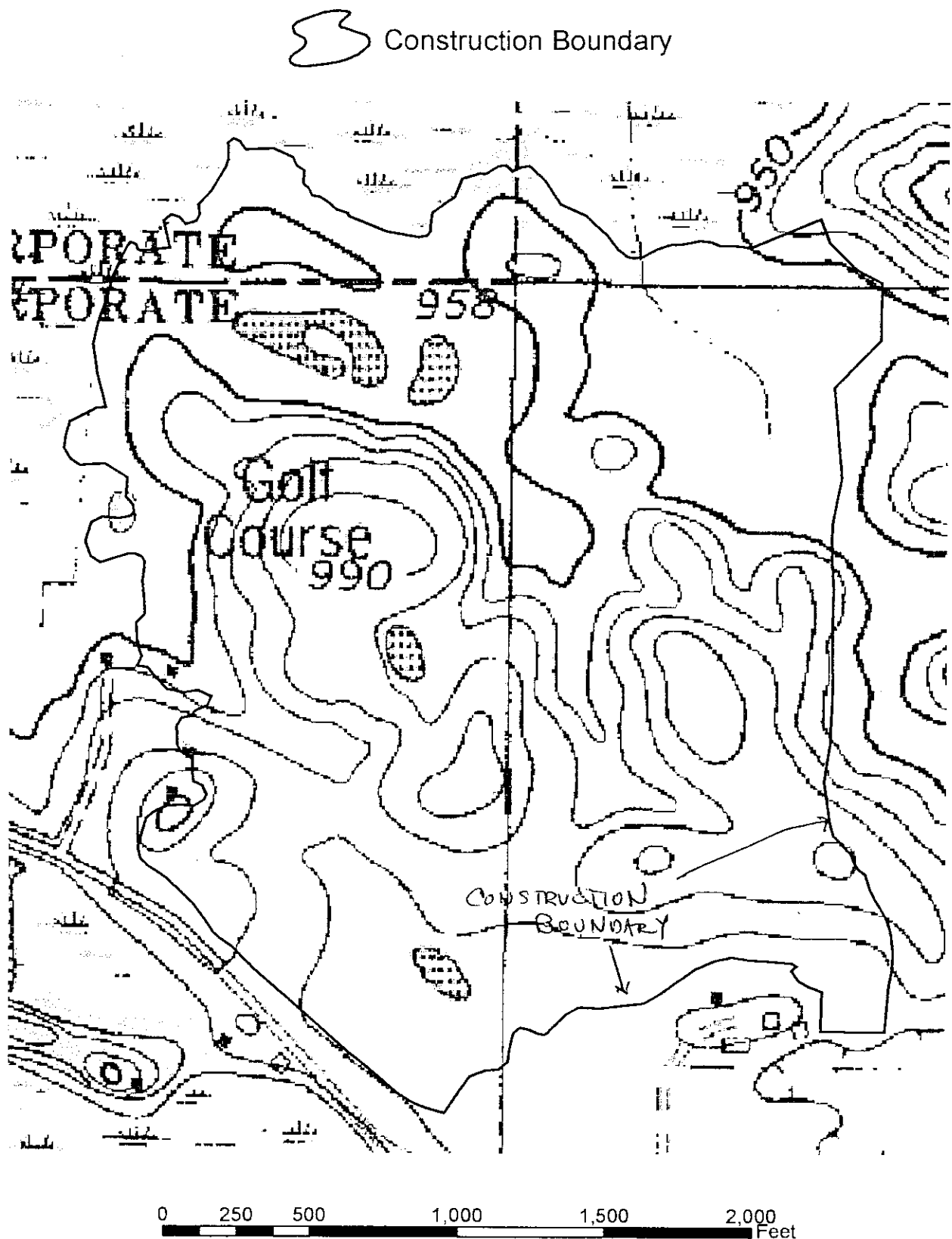


Figure 2: USGS Topographic Map of the Construction Boundary



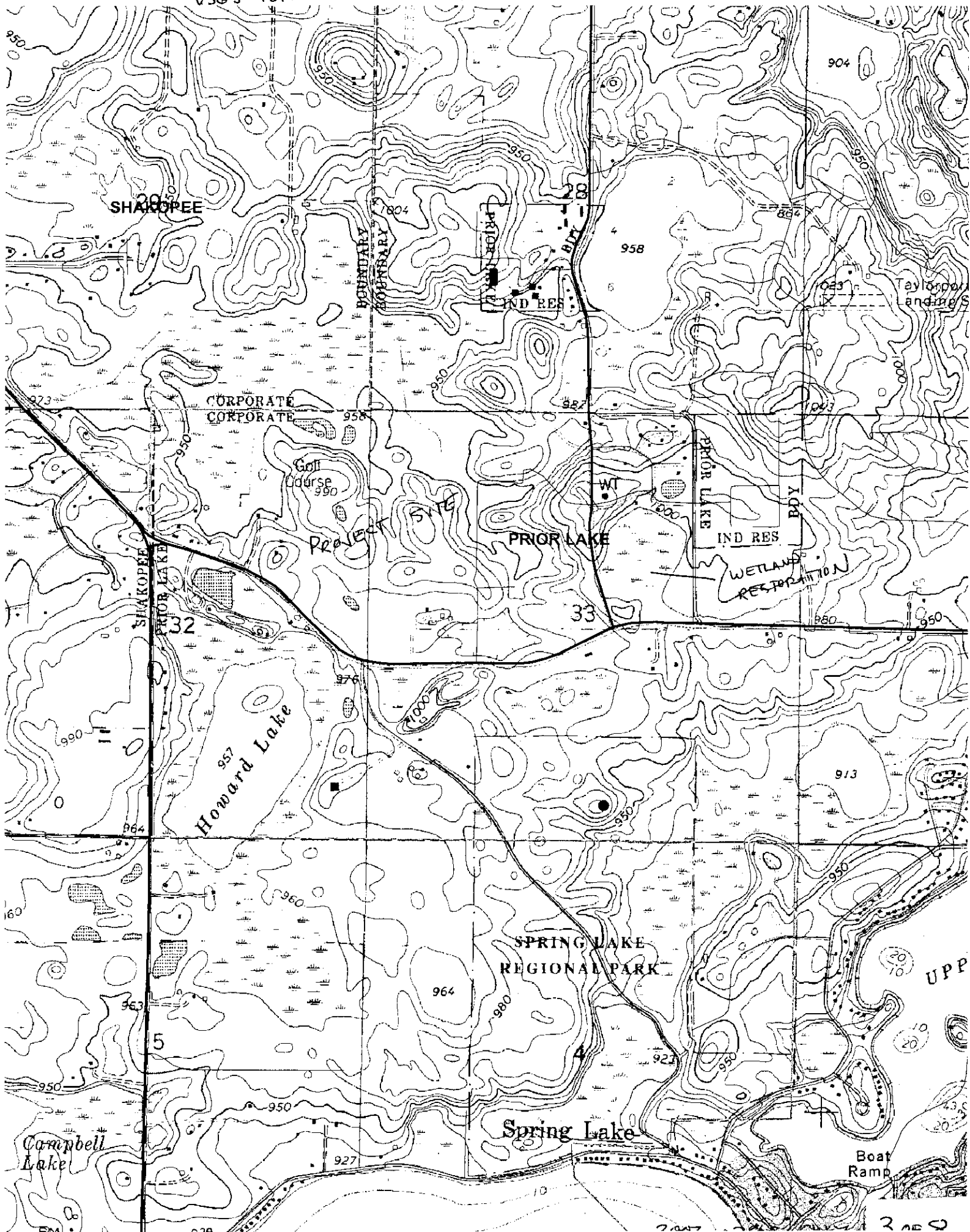
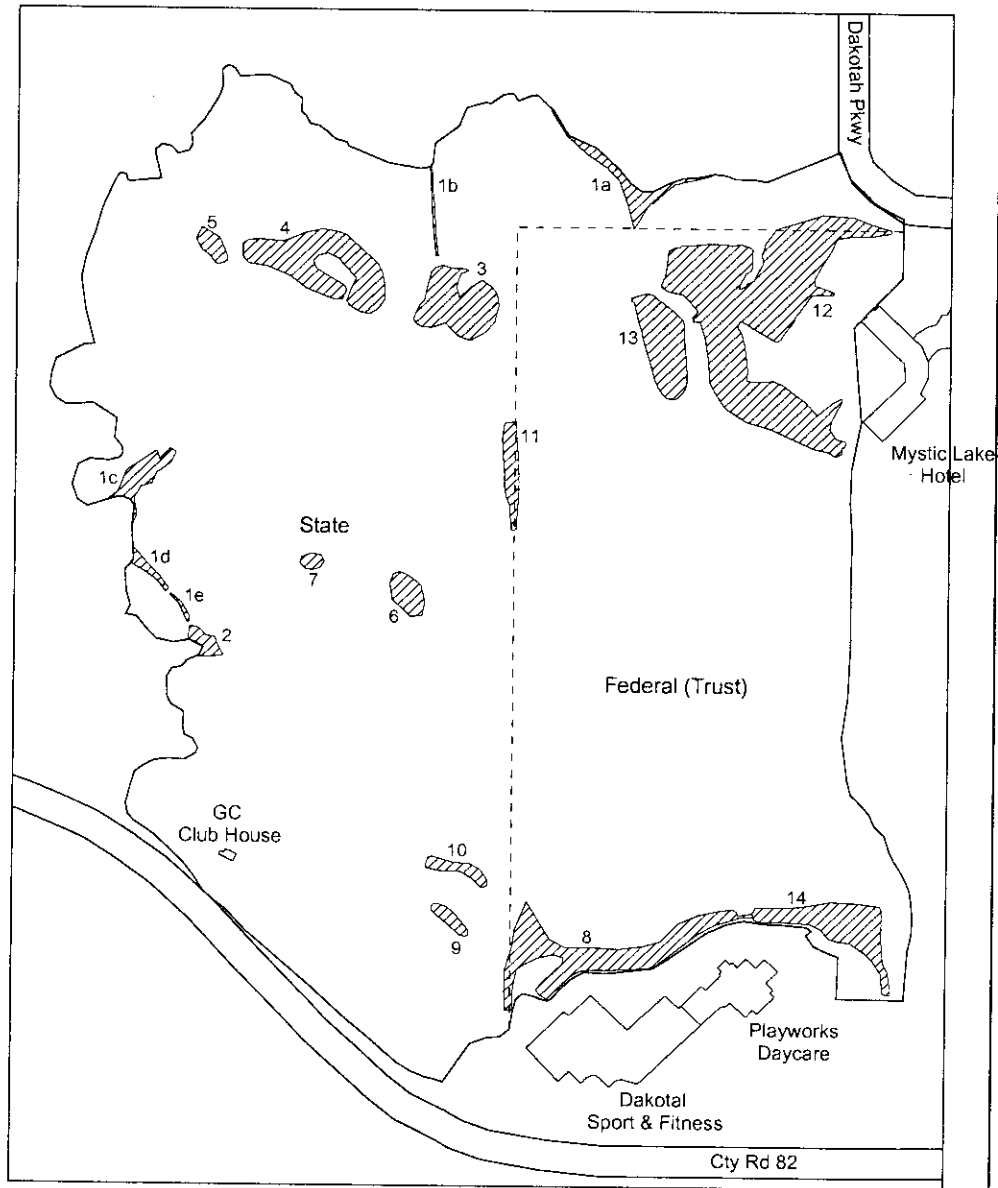


Figure 1: SMSC Existing Wetlands Within Construction Boundary



0 250 500 1,000 1,500 2,000 Feet



Existing Wetlands
Construction Boundary

11a. DESCRIPTION OF WETLAND IMPACTS ON FEE LANDS (federal and state jurisdiction)

Wetland Number	Watershed Number	Location	Wetland Type	Predominant Vegetation	Size of Area Impacted
1a	33122	SW1/4 SW1/4 Section 28	2	Reed canary grass	0.41
1b	33122	NE1/4 NE1/4 Section 32	3	Reed canary grass	0.05
1c	33122	NE1/4 NE1/4 Section 32	2	<i>Atypical Situation</i>	0.17
1d	33122	NE1/4 NE1/4 Section 32	3	Reed canary grass, cattail	0.09
1e	33122	NE1/4 NE1/4 Section 32	3	Reed canary grass, cattail	0.02
2	33122	SE1/4 NE1/4 Section 32	3	Reed canary grass, cattail	0.14
3	33122	NE1/4 NE1/4 Section 32	5	Open water	0.67
4	33122	NE1/4 NE1/4 Section 32	5	Open water	0.81
5	33122	NE1/4 NE1/4 Section 32	5	Open water	0.16
6	33122	NE1/4 NE1/4 Section 32	4	Cattail	0.27
7	33122	NE1/4 NE1/4 Section 32	4	Cattail	0.07
9	33122	SE1/4 NE1/4 Section 32	5	Open water	0.12
10	33122	SE1/4 NE1/4 Section 32	5	Open water	0.12
11	33122	NE1/4 NE1/4 Section 32	2	Reed canary grass	0.33

TOTALS OF AREA(S) IMPACTED FOR EACH WETLAND TYPE ON CHART
Type 2 = 0.91; Type 3 = 0.30; Type 4 = 0.34; Type 5 = 1.88; TOTAL = 3.43

11b. DESCRIPTION OF WETLAND IMPACTS ON TRUST LANDS (USACE jurisdiction only)

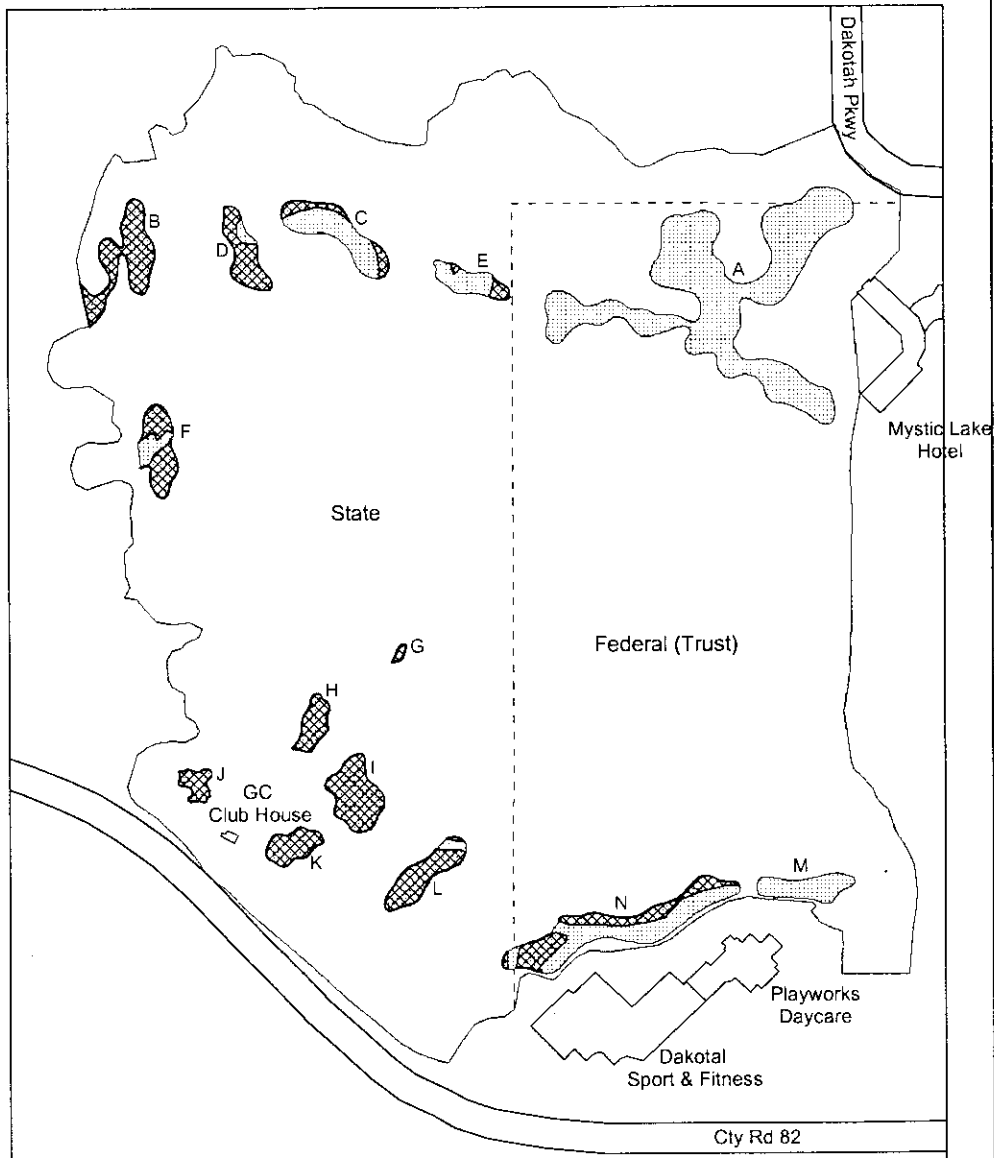
Wetland Number	Watershed Number	Location	Wetland Type	Predominant Vegetation	Size of Area Impacted
8	33122	SW1/4 NW1/4 Section 33	3	Cattail	0.65
12	33122	NW1/4 NW1/4 Section 33	4	Open water	1.41
13	33122	NW1/4 NW1/4 Section 33	4	Open water	0.70
14	33122	SW1/4 NW1/4 Section 33	4	Cattail	0.61

TOTALS OF AREA(S) IMPACTED FOR EACH WETLAND TYPE ON CHART
Type 3 = 0.65; Type 4 = 2.72; TOTAL = 3.37

17. DESCRIPTION OF REPLACEMENT WETLANDS

Wetland Number	Watershed Number	Location	Wetland Type	New Wetland Credit	Public Value Credit	Restored or Created
B	33122		4/5	0	0.84	R
C	33122		4/5	0	0.45	R
D	33122		4/5	0	0.44	R
E	33122		4/5	0	0.08	R
G	33122		4/5	0	0.03	R
H	33122		4/5	0	0.29	R
I	33122		4/5	0	0.69	R
J	33122		4/5	0	0.18	R
K	33122		4/5	0	0.34	R
L	33122		4/5	0	0.5	R
N	33122		4/5	0	0.72	R
TOTAL					4.46	

Figure 2: Public Value Credit Areas Overlaid On Proposed Wetlands



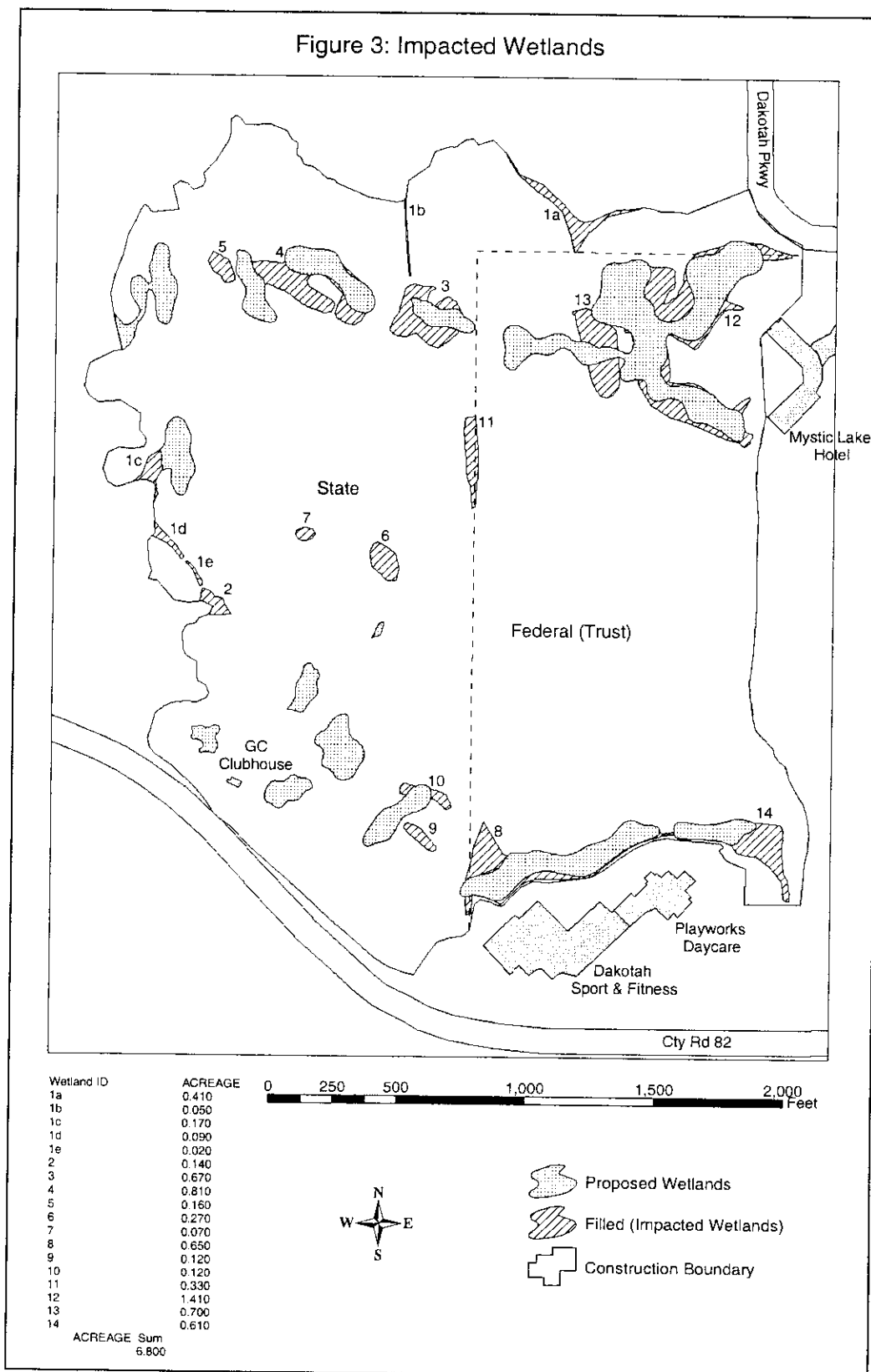
Wetland ID	ACREAGE	0	250	500	1,000	1,500	2,000	Feet
B	0.84							
C	0.45							
D	0.44							
E	0.08							
G	0.03							
H	0.29							
I	0.69							
J	0.18							
K	0.34							
L	0.50							
N	0.72							
ACREAGE Sum								
4.46								



- Public Value Credit *
- Proposed Wetlands
- Construction Boundary

* FOR THE STATE WETLAND CONSERVATION ACT

Figure 3: Impacted Wetlands



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DEPARTMENT OF THE ARMY
St. Paul District, Corps of Engineers
Army Corps of Engineers Centre
190 Fifth Street East
St. Paul, Minnesota 55101-1638

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